

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING**

OCTOBER 2, 1996

The City Council of the City of Grand Junction, Colorado, convened into regular session the 2nd day of October, 1996 at 7:34 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, David Graham, R.T. Mantlo, Ron Maupin, Janet Terry, Reford Theobald, and President of the Council Linda Afman. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Afman called the meeting to order and Councilmember Baughman led in the Pledge of Allegiance. The audience remained standing during the invocation by Captain George Baker of the Salvation Army.

PROCLAMATION DECLARING OCTOBER 5, 1996, AS "OKTOBERFEST DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING OCTOBER, 1996, AS "BREAST CANCER AWARENESS MONTH" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING OCTOBER 9, 1996, AS "SAVE TODAY" IN THE CITY OF GRAND JUNCTION

CONSENT ITEMS

Mayor Afman announced the Council would be taking a break at 9:00 and 11:00 p.m. At midnight, if Council is still working on the agenda items, she will ask the Council if they would like to proceed depending upon how much of the agenda needs to be addressed yet, or whether they would like to continue the meeting to Thursday night. Mayor Afman also commented on the hearing process to clarify it for those in attendance.

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried by roll call vote with Councilmember **GRAHAM** voting **NO** on Items 3, 4 and 8, the following Consent Items 1-8 were approved.

1. **Minutes of Previous Meeting**

Action: Approve the minutes of the Regular Meeting September 18, 1996

2. Changing Natural Gas Supplier for City-Owned Buildings

In an effort to reduce City and County expenditures for natural gas, a Request for Proposal was prepared and distributed to 12 qualified suppliers. Proposals were received from the following companies:

- Wildhorse Energy Partners, Lakewood, CO
- National Fuel Marketing, Denver, CO
- Western Gas Resources, Denver, CO
- e prime, Denver, CO

The evaluation panel ranked Wildhorse as the most qualified respondent. If approved, eight city buildings will change service providers from Public Service Company of Colorado to Wildhorse Energy.

Action: Approve Agreement with Wildhorse Energy Partners of Lakewood, Colorado, to Provide the Natural Gas Requirements for Eight City-Owned Buildings for One Year

3. Avalon Parking Lot Improvement

The work under this contract at 7th and Main is to improve circulation and aesthetics of the parking lot adjacent to 7th from Main to Colorado Avenues. This project is one of five others scheduled over the next four years to receive landscaping improvements. One bid was received on September 24, 1996:

	<u>Base Bid</u>	<u>Add. Alt. 1</u>	<u>Add. Alt. 2</u>	<u>Total</u>
Clark & Co., G.J.	\$29,690	\$6,900	\$19,100	\$55,690
Engineer's Est.	\$20,000	\$10,000	\$15,000	\$45,000

Action: Award Contract for the Avalon Parking Lot Improvement to Clark & Co. in the Amount of \$55,690

4. Purchase of Lot 5, Block 2 of South 5th Street Addition (1236 South 5th Street)

The City has entered into a contract to purchase the property at 1236 South 5th Street for \$45,000. The City's obligation

to proceed under the terms of the contract is contingent upon the consent and approval of the Council by October 2, 1996.

Resolution No. 90-96 - A Resolution Authorizing the Purchase by the City of Grand Junction, Colorado, of Certain Real Property; Ratifying Actions Heretofore Taken in Connection Therewith

Action: Adopt Resolution No. 90-96

5. **Final Design of the Fifth Street Improvements Project from South Avenue to Grand Avenue**

The preliminary design of the Fifth Street Improvements Project has been completed by Ciavonne and Associates and their civil engineering sub-consultant, Thompson-Langford Corporation. Staff proposes that this same design team be retained to continue with the final design phase.

Action: Authorize an Agreement with Ciavonne & Associates, Inc., for the Final Design of the Fifth Street Improvements Project from South Avenue to Grand Avenue in an Amount Not to Exceed \$64,500

6. **Street Improvements on 28 Road and the City's Regional Storm Water Detention Facility Adjacent to the Matchett Property**

Bids were received from the following local contractors:

Parkerson Construction Co.	\$38,865.00
Skyline Construction	\$42,078.60
Pioneer Excavating	\$42,502.50

Action: Award Construction Contract for Street Improvements on 28 Road and the City's Regional Storm Water Detention Facility Adjacent to the Matchett Property to Parkerson Construction Company in the Amount of \$38,865

7. **Donation of 1982 Pirsch Fire Engine to DeBeque Fire Department**

DeBeque Fire Department's front line fire engine was recently involved in an accident and rendered unusable. DeBeque has insufficient funds to replace the fire engine. The City is

in possession of an older fire engine which needs to be removed from its fleet.

Action: Authorize Donation of the 1982 Pirsch Fire Engine (City Unit Number 307) to the DeBeque Fire Department

8. **Change Order No. 3 to the Construction Contract with M.A. Concrete for Canyon View Park**

The amount of the original construction contract to M.A. Concrete Construction is \$5,567,000. The total of the change orders 1, 2 and 3 will be \$35,180.19 and the revised contract amount will be \$5,602,180.19.

Action: Approve Change Order No. 3 to the Construction Contract with M.A. Concrete for Canyon View Park in the Amount of \$13,120.50

*** * * END OF CONSENT CALENDAR * * ***

*** * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * ***

GROWTH PLAN - RESOLUTION NO. 91-96 ADOPTING THE GROWTH PLAN, CITY OF GRAND JUNCTION, COLORADO [FILE #PLN-96-169]

After twenty months of extensive public involvement and deliberation, the Grand Junction/Mesa County Growth Plan Steering Committee unanimously recommended adoption of a plan for future growth in the area between 19 and 33 Roads. Both the City and County Planning Commissions adopted the plan on August 8, 1996. This area includes Grand Junction, as well as the Redlands, Clifton, southern Appleton, Fruitvale, and Orchard Mesa areas. The action followed a series of four well-attended public workshops held throughout the community.

Kathy Portner, Community Development Department, presented this item. The plan was adopted by both the City and County Planning Commissions with some modifications as follows:

1. Removing the Colorado National Monument from the Urban Planning Area;
2. Deleting the Urban Reserve designation from the Orchard Mesa Area;

3. Changing the future land use map as follows:
 - a. From residential to commercial on Patterson Road between Hi Fashion Fabrics and a vet clinic near Meander Drive;
 - b. Changing the area north of I70, South of I Road, East of 25 Road and West of the Urban Growth boundary from a rural to an estate designation.
 - c. Changing an area from residential medium high density to residential medium-low density south of G Road, north of F 1/4 Road, east of 25 1/2 Road and west of 25 3/4 Road.
 - d. An annotation on the map which indicates the map does not stand alone. It must be used in concert with the goals and policies in the Plan. Also, that the map does not necessarily reflect current zoning.

Councilmember Graham questioned the term codalation. How will the new zoning criteria and new zoning matrix be superimposed over existing uses and zoning designations? Will the City unilaterally change the zoning in the area or will this be handled on an incidental basis? Councilmember Terry asked that an explanation be given as to the rewriting of the code project. Ms. Portner explained the same consultant was being used to rewrite the Zoning and Development Code. A focus group has been formed to aid in the development of the new Code. This group is made up of community members which were involved in the Growth Plan process, and includes the development community. This is expected to be a 9 month process with the proposals coming back to Planning Commission and Council for their responses to the changes. The proposed changes will be extensive. The Code needs to be brought up to date and made consistent with the Plan. Some zone districts will be eliminated such as the high density, multi family zone districts which have not been used. It is currently difficult to distinguish between the business, industrial and commercial zone districts. Some of the recommendations from this reexamination of the zone districts would be for Council to consider rezoning some areas to be consistent with the plan. This would include some of the uses within a current zone district. Non-conforming uses will have to be examined also.

Councilmember Graham questioned whether a grandfathering provision would be implemented or a question of amortization? Ms. Portner stated Council would be given that option on a decision. The

County is rewriting their code also and the hope is for a consistency between the County and the City Codes.

Mayor Afman asked Ms. Portner to address the amendment process for the Growth Plan. Ms. Portner stated within the Plan itself, any revision would require a growth plan amendment. The ideal would be having these addressed on an annual or semi-annual basis. A maximum five year interval for review is specified, but an annual review is recommended.

Councilmember Graham asked once the new matrix is in place and the districts have been established, if it will be up to private individuals seeking a rezone to amend the Plan? Ms. Portner stated yes. The process to follow would be in place for them to request an amendment. This would be coterminous with the rezone request. Councilmember Theobald questioned what would happen if the land use zoning request goes against the current use. City Attorney Wilson stated the plan is for guidance only, the zoning will be the law. The Plan, though detailed, is in broad terms to allow for exceptions.

Councilmember Baughman asked if it will be Staff's position to try and change the existing way "grandfathering" is allowed. Ms. Portner stated it would be the City Council's and the Planning Commission's option to decide in what direction to go with non-conforming uses.

Public comments were taken.

David Shore, 3505 North 12th Street, #E4, spoke on behalf of William Merkel, M.D. He read a summary of Dr. Merkel's remarks into the record. Dr. Merkel's areas of concern are:

1. The northeast corner of I-70 and 24 Road, approximately 40 acres. The parcel was designated commercial not agricultural on the maps and diagrams pertaining to annexation into the City. It is now shown as agricultural. He considers this a prime site for commercial development and requests a commercial zone for this land.

2. The northeast corner on the intersection of 12th Street and Horizon. He feels this could become a major commercial corner. This should be updated to a more current and contemporary plan in accordance with the Horizon Drive corridor recommendations for

mixed commercial and transitional single family with a perimeter of multi-family construction.

3. The Northridge Filing #4 bordered by 1st and 7th Streets. To the south of this property is a stream called Ranchman's Ditch and to the north is the developed area called Northridge Subdivision. The east portion of this parcel should have some flexibility for future development, different from pure residential. A zone of institutional would accommodate the type of zone which is needed and which is inevitable around the medical campus in this region of the City.

Walt L. Dalby, 555 Pinyon. A letter was submitted to each Councilmember at the Monday night workshop. He and his wife support the Growth Plan and encourage the infill development of vacant land such as they have. He felt the land use plan will be used as fundamental criteria applied to determine what is allowable by the City as appropriate future development. He asked for a redesignation of the land use categories on his property located at 12th Street and Horizon. He asked for a more flexible land use category than what exists at this time.

Robin Madison, 2586 Galley Lane. The Growth Plan emphasizes the character and integrity of neighborhoods. Yet, these things are declining, specifically in the area west of 26th Road and north of Patterson. A lot of new developments are going in north of F 1/2 Road and east of 25 Road. In looking at the density of these neighborhoods, they seem to be going quite a bit higher without compatibility. There does not seem to be any meshing with school plans. All the schools in this area are already overcrowded. If growth is going to be concentrated in this area. She questioned how the school situation is going to be accommodated? In regard to open space, the Growth Plan stresses in-fill with open space and interconnection of trails. She doesn't see the measures which will allow this to happen.

Tom Volkman, 655 North 12th Street, a member of the City Planning Commission for 3 years and was also on the Steering Committee relative to the Master Growth Plan. He expressed concern relative to density, in particular the maximum residential density for the development of property which is RMF-64. An example is the property between Maldonado and Crosby Avenue which is in the El Poso neighborhood and is currently zoned RMF-64. It has not developed at this level. However, this is a good prospective area for multi-family development. The recommended zoning is RMF-16.

But according to the Growth Plan, this area is slated for 4-8 units per acre. He noted there is a shortage of housing for service industry employees and there is a portion of the population of this town who can not buy homes in the northern area of town with lower density zoning. The prospect of single family housing is not in their short term future. The City needs to make certain, in order to keep the economy viable, that these people have a place where they can reasonably live and afford. This mandates higher densities than 12 plus. By putting a cap of 12-24 units per acre, this would be an impediment to development in this area and will have a chilling effect on the ability to fill this void in the housing market.

Chris Clark, 615 Meander Drive. Two issues of concern with the process with the Growth Plan:

1. Quality of life issues and the Healthy Communities 2000 Initiative. Looking at the map, the densities do not address some of the flux in these densities over time or on a daily basis. Nothing has been done to accommodate the alternatives that lead to healthier communities. The traffic impact is a concern with no provisions for transportation except private automobile use. Yet the City keeps allowing and promoting more and more dense development. Alternatives in transportation and the safety of children needs to be addressed with implementation of the Growth Plan.

2. The process of who is involved in making the determinations in the Growth Plan. There seem to be only people who have their background in the development process, such as developers and realtors. There needs to be more input from people who are involved with the ramifications of the growth such as social services and teachers.

Terry Farina, 2673 Homestead Road, representing the Bank of Grand Junction. He commended the people involved in the combined effort associated with the Growth Plan. He agreed with most of the comments made previously regarding property located on the northwest corner of 27 1/2 Road and Patterson Road. He acknowledged the few people at this public hearing saying the Plan needs to be modified slightly and concurred there is no way to get a large Plan such as the Growth Plan 100% correct. He is fearful that the Plan, in some way, will be an impediment for some. He would like to see the corner at 27 1/2 Road and Patterson Road made Planned Business. He said long time residents of the area

are in favor of a branch bank being built there. He felt Planned Business will be safer than high residential in the area. If the area is not zoned Planned Business, it will be a lost opportunity. The transition will be good for the neighborhood.

There were no other public comments.

Mayor Afman asked Staff to explain the density, what mechanisms are in place in the Plan that Council and Planning Commission can deal with if there is a change in density. Ms. Portner said the most current map that was presented to and adopted by Planning Commission showed the 12+ density with no cap. She believed the density cap showed up on earlier plans. The Plan does talk about the opportunity for density bonuses in areas as a result of design, clustering, open space, etc. There is the possibility of going over recommended density shown on the Plan without amending the Plan. The density shown in some portions of the map do not reflect the neighborhood character. Density and neighborhood character must be considered simultaneously, which is why the Planning Commissions wanted the note placed on the land use map stating the map must be used in conjunction with the plan document itself. The plan document itself, in the goals, talks about the design being compatible with the surrounding area. Different densities do not necessarily have to be incompatible. Through good design, a higher density could be compatible with a lower density. As other proposals come to Council, Staff will point out other goals and policies in the Plan, not just using the map to show what density is shown.

Mayor Afman asked Staff to elaborate on mechanisms in the Plan regarding trails and transportation. Ms. Portner said the Plan discusses coordinating with other plans such as the Metropolitan Planning Organization (MPO) plan for road networks and trails, and any parks plans dealing with trails. It also discusses the importance of connecting neighborhoods. Councilmember Terry said City Staff has been working on an Urban Trails Plan over the past six months, which was presented to Council two weeks ago. It is on file and available for review. There are specific trails for bicycles and pedestrians, and a specific connection that will go all the way to Canyon View Park, among many others that will be implemented in the future. Dates have been designated for the development of the trails. Councilmember Maupin said Council has asked for easements along canals for trail purposes. Property owners in various areas have offered to donate five feet of land for trails also.

Mayor Afman asked for clarification of mechanisms available in the Plan to be used by those that want to propose something different than what the Land Use Plan suggests. Ms. Portner said there is no land use category in the map that indicates mixed use. However, in the body of the Plan, mixed use development is discussed, and can certainly be considered by the Planning Commission and Council without amending the Plan. Within a Planned Residential development, there could be business uses intertwined. The business uses to serve the immediate neighborhood, and oriented internally to the neighborhood are to avoid commercial strips being created. One of the goals of the Plan was to strengthen the current commercial areas such as the downtown, Horizon Drive and Mesa Mall areas. Intertwining neighborhood commercial centers within some of the neighborhoods can be done through a Planned Unit Development. The two Steering Committees appointed by the City Council and the County Commissioners worked jointly on the Land Use Plan for the urban area. That committee was made up of members of the development community, although a strong group of citizens who had no interest in land development, but had an interest in their neighborhood and community, also formed the committee. There were approximately 60 members involved. The committees, over a two year period, held numerous public meetings in different parts of the community. All input was considered by the Growth Plan Steering Committee. The focus group working on the re-write of the Code is a much smaller group consisting of the users of the Development Code.

Councilmember Baughman asked Ms. Portner if the specific properties mentioned this evening were discussed specifically by the Steering Committee at the time they made recommendations? Ms. Portner said all but the Merkel properties were discussed by the Planning Commissions at their consideration of the Plan. They were probably discussed by the Steering Committee also. The 27 1/2 and Patterson Road property, the El Poso neighborhood, the Dalby property were all jointly discussed by the Planning Commissions at the time they adopted the plan. They felt the changes were not warranted and wanted to abide by the recommendation of the Steering Committees. The property on the northwest corner of I-70 and 24 Road was specifically discussed by the Steering Committees. They felt the City would not be providing sewer service north of I-70 in the near future and therefore should not be showing that property as a commercial land use at this time.

Councilmember Maupin reassured the audience that the Plan does not change any existing zoning.

Councilmember Terry said the process is still available for application to change a zone. As properties and land develop, the use of the land will inevitably change, and may not reflect what the Plan now states it should be. The Plan does not preclude changes. One of the outstanding goals of the Plan is achieving quality of life in the valley. Quality of life does not necessarily mean low density. The Plan hopes to achieve quality of life in making uses of the land the best possible use in order to discourage more transportation. It hopes to create more planned unit developments where people can use and access commercial needs in their own neighborhood rather than having to cross the City.

There were no other comments. The hearing was closed.

Councilmember Baughman asked if the Plan is binding in any way? City Attorney Wilson said when the Plan is adopted, Staff, landowners and the development community will look to the Plan in making decisions. Over time, the community will train themselves to consider the Plan first before making long term goals. It will have an affect on the community, but will not be binding.

Councilmember Graham said it is not a question of whether the implementation of the Plan will result in significant rezoning, but when and how. City Attorney Wilson concurred.

Councilmember Maupin was encouraged by the Plan which contains many valuable goals for community and policy issues which will assist in reaching those goals. He wished the Plan addressed transportation issues, but there is insufficient support for a public transportation system. He was concerned the City will end up with two different plans if Council changes anything in the Growth Plan. Where does that leave the committee? To change the zonings now would be like changing the zoning without inviting public comment. The comments of those who spoke tonight are on record.

Mayor Afman said at this point she felt comfortable with Staff's discussion of the mechanism that is in place for individuals to come back to Council. She felt the Plan is somewhat of a guide or roadmap to get where Council wants to go.

Councilmember Mantlo felt the Plan is a good guideline to start with toward developing the valley. Councilmember Baughman agreed.

Councilmember Theobald had problems with a lot of details in the Plan. He felt the time to consider parcel by parcel rezoning is after the Plan is adopted. Density was one of his concerns. He felt the Plan overlooks the logic of development along major corridors, specifically north of I-70. Various agricultural and residential zones were also a concern. He felt some of the inconsistencies will cause problems in the future. He felt long-term, the Plan will work. However, over short-term, there will be people buying and selling property based on this new Master Plan. There will also be people buying and selling land based on the existing zoning on the books today. The Plan will only work if followed. There are too many flaws leading to too many exceptions. He wished it were a better Plan.

Councilmember Graham felt this is a momentous agenda item. He commended the efforts on the plan, however, he had concerns. He read into the record his written comments relating to the Growth Plan.

He felt the plan will result in:

1. More intense and restrictive governmental regulation, including aesthetics and landscaping standards more onerous than now, and even environmental regulation;
2. More and higher new taxes such as development fees that will not only increase the cost of development, but also thwart the letter and spirit of the Taxpayer Bill of Rights, otherwise known as Amendment 1;
3. Neither the Plan nor any of the tasks assigned to the Code Revision Focus Group will do anything to enhance or protect private property rights. There is some lip service paid as far as an aspirational goal to "respect private property rights", but there are no action items dedicated to that end, nor are any of the tasks dedicated to that end. Even the best of intentions as far as a respectful attitude, if not followed up with meaningful and concrete activity, is meaningless;
4. Problems will be generated by individuals who will have to seek to amend the Plan in addition to seeking a rezone or variance, placing additional levels of burden on people coming

before the Council or the Planning Commission seeking either a rezone or a variance;

5. The Plan is deficient in that it does not address what he considers to be critical issues such as the definition of City boundaries. Nor does the Plan attempt to rectify past abuses occurring relative to City annexation;

6. There are no useful ideas involving the problems in increased traffic and congestion or any specific suggestions on how to make the use and delivery of essential urban services more economical or efficient within the urban boundary;

7. Although it is not explicitly clear from the Plan itself or from the tasks assigned to the Code Revision Focus Group, the Plan will call for the City to unilaterally change existing zoning in whole, or in part, by replacing an existing zoning matrix with a new one, and applying it to newly created districts, which are identified under the future land use map. This will give rise to very serious problems concerning non-conforming uses, takings, and the denial of due process with respect to elimination of vested property rights under the current zoning matrix, currently all lawful uses.

8. The description of this Plan as being "dynamic" is a reflection of its indefinite and changeable character which, ironically enough, flies in the face of what would have been the chief virtue of the Plan, namely, certainty and predictability. The vagaries surrounding the amendment process will favor, and continue to favor, the special interest groups which have the political capital to lobby for amendment of the Plan;

9. The Plan will enshrine current unconstitutional and immoral policies practiced by the City Council, including the continued and enhanced discriminatory and preferential treatment for downtown businesses and property owners, continued subsidies of selected private business with City tax dollars, and enhance subsidies for housing with City tax dollars;

10. The politics of co-options, the way this Plan has had a tendency to absorb and incorporate those who have been opposed to it and their beliefs. The argument he has personally faced, and was afraid is going to become all too familiar, is that when an individual comes before the City Council or the Planning Commission or an appropriate City Staff person, that before they

are able to point out deficiencies in the Plan, or how they are adversely harmed by the Plan, they will be required to justify their position in terms of the input that they have given. He feared that once the Plan is etched in stone, there will be an undue deference for the Plan, itself, as being perfectly democratic and inclusive, when in fact, it is the case that no one person could ever hope to justify and explain and protect all of their interests before hand even if they could give all their input. More importantly, he felt it is wrong to say you cannot object to something unless you subscribe to it. He was afraid those tendencies will develop if the Plan is adopted.

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried with Councilmembers **BAUGHMAN** and **GRAHAM** voting **NO**, Resolution No. 91-96 was adopted.

RECESS

Mayor Afman declared a ten-minute recess at 9:10 p.m. Upon reconvening, six members of Council were present. Mayor Afman noted that Councilmember Mantlo excused himself from the balance of the meeting.

PUBLIC HEARING - ZONING 3D SYSTEMS ANNEXATION TO PI [FILE #ANX-96-104] - CONTINUED FROM SEPTEMBER 4, 1996 COUNCIL MEETING - CONTINUED TO OCTOBER 16, 1996, CITY COUNCIL MEETING

City Council gave Staff direction at the September 4th City Council meeting to explore a Planned Industrial (PI) zone district for zoning the 3D Systems Annexation. The Mesa County Economic Development Council, acting on behalf of 3D Systems and Industrial Development, Inc., and City Staff have developed a list of appropriate and acceptable land uses for the proposed PI zone for this annexation.

Mayor Afman announced the petitioner has requested this item be withdrawn from the agenda and extended to the October 16, 1996, City Council meeting. City Manager Mark Achen stated the City is required to zone annexed properties within 90 days of the effective date of annexation. If action is not taken at this meeting, the City could be in violation.

City Attorney Wilson said the Statute gives the petitioner the right to extend the consideration of zoning.

Mr. Dennis Kirtland, 2675 Homestead Road, President of Industrial Development, Inc., the landowner, stated he waived their right to the 90-day zoning, and requested this item be placed on the October 16, 1996, agenda so they can have more time to review the specifics.

Upon motion by Councilmember Theobold, seconded by Councilmember Maupin and carried by roll call vote, the zoning of 3D Systems Annexation to PI [File #ANX-96-104] and Ordinance No. 2947 was continued to the October 16, 1996, meeting.

PUBLIC HEARINGS - VACATING A RIGHT-OF-WAY AND VACATING AN EASEMENT IN PHEASANT RIDGE ESTATES LOCATED WEST OF THE NORTHWEST CORNER OF 28 ROAD AND PATTERSON ROAD - ORDINANCE NO. 2944 VACATING A PORTION OF THE SPRINGSIDE COURT RIGHT-OF-WAY - ORDINANCE NO. 2950 VACATING A SEWER EASEMENT IN THE VICINITY WEST OF THE NORTHWEST CORNER OF 28 ROAD AND PATTERSON ROAD INTERSECTION [FILE #FPP-96-154]

A request for (1) vacation of right-of-way for existing alignment of Springside Court and (2) vacation of sewer easement in the vicinity of the northwest corner of the 28 Road and Patterson Road intersection.

A hearing was held after proper notice. This item was reviewed by Kristen Ashbeck, Community Development Department. This project is located west of the existing Spring Valley Townhomes at Patterson and 28 Roads. It was originally planned as part of the Spring Valley Subdivision and was to be developed as condominiums. At that time the right-of-way for Springside Court was platted through the property but nothing else occurred on the parcel. The Planning Commission has approved the final plan and plat for the Pheasant Ridge Estates. It proposes 33 single-family dwelling units. In order to proceed with the subdivision, the developer has two requests: (1) a vacation of the current alignment of Springside Court; and (2) a vacation of a sewer easement which runs north/south through the property. Springside Court is to be realigned through the parcel and will be dedicated and constructed to City standards. The 26-foot right-of-way that is requested to be vacated does not meet City standards of 44 feet. The easement to be vacated has an existing sewer line in it that will be re-routed to serve the lots within Pheasant Ridge Estates. There is an existing line and an existing easement, but the line is not in the easement, so there is no need for the easement. Engineering prefers the line actually be in the right-of-way. Planning

Commission found that both vacation requests met the criteria of Section 8-3 of the Zoning & Development Code, and recommended approval of both vacations.

Councilmember Theobald asked at what point it would be appropriate to discuss naming of the street? Ms. Ashbeck said it could be discussed now, since the plat has not been recorded. Councilmember Theobald suggested streets that align should have the same name. This street is aligned with El Corona Drive across Patterson.

Councilmember Terry understood the City is trying to discourage more accesses on and off of Patterson Road, and asked why there is going to be another street coming out onto Patterson Road? Ms. Ashbeck said there is some concern with having only one access which would be Springside Court. In this case, there is an existing curb cut where Pheasant Trail Court is proposed. Councilmember Terry did not feel that was proper justification. Ms. Ashbeck did not know what other factors engineering may have considered.

Mr. Jim Shanks, Public Works & Utilities Director, said in this case, two ingress/egress points were considered. One would have to be off of Patterson Road. There is an existing public street right across the street so the intersection is going to be a crossed intersection rather than a T-intersection. If left turn lanes turn into this development, traffic can use 28 Road, and make a left turn there rather than at this intersection. With the City's purchase of the Matchett property, it makes it less likely there would be a signal at the intersection. There is not enough space to have two accesses on 28 Road. Mr. Shanks felt there was adequate site distance in the area.

Petitioner Ed Lenhart, 1132 24 Road, owner/developer of Pheasant Ridge Estates, said the parcel is landlocked at this time. There is a parcel of land to the east and the road is not to City or County specifications. He cannot go onto someone else's property and reconstruct the road. He discussed options with City Planning and came up with this configuration. Once the other parcel is developed, most of the traffic would tend toward 28 Road. This is the reason for the access at this time on Patterson Road. Addressing the naming of the street, he was striving for an ambiance, a specific air about the subdivision, and did not want it to correlate or coordinate with what was across the street. With Patterson being such a wide road, he felt the correlation

between El Corona and Pheasant Trail Court is unrelated because it is far enough apart.

Councilmember Theobold asked that because the road is five lanes wide, will traffic not be able to tell the two streets are opposite each other? Mr. Lenhart said anyone driving can tell the roads are opposite each other, but as far as correlating one road to the other or one subdivision to another, no. He had no problem with a subdivision and entrance street name on one side, and on the other side of a 4-lane plus turning lane road, with a different name.

Mr. Lenhart said he plans to have two community signs located at the entrance and in a landscape area in the center.

Mr. Lenhart said he is trying to develop a subdivision that has character, integrity and something people could identify as part of Spring Valley and Pheasant Ridge. He reaffirmed the fact that the vacations are aligning with the streets and in correlation with the engineer, Mark Mouer.

Mr. James Braden, 2420 N. 1st Street, stated he would strongly oppose any street coming out on Patterson Road. He appreciated Council's thoughts of reducing the speed limit from 45 mph to 35 mph, but there are some major traffic lanes where consistent traffic patterns are necessary, where there is no stop and go traffic which wastes energy. He also concurred with Councilmember Theobold regarding keeping the same street names.

Mr. Gene Taylor, owner of property at 105 Mantey Heights Drive, east of the Corona Subdivision, agreed with the no roads coming out on Patterson Road. In previous discussions, the Planning Commission and the City Council has determined Patterson Road can handle the extra traffic from subdivisions. He was glad to hear Councilmember Terry say tonight the Council and Planning Commission have tried to keep traffic off Patterson Road. He agrees there is currently enough traffic on Patterson Road, and the more subdivisions developed on Patterson will result in more traffic.

Councilmember Maupin noted this is an infill project.

Mr. Lenhart said the original intent was not to access Patterson Road, however, the property is landlocked. There is no other option for access at this time. The parcel was originally

designed for 64 condo units and has been reduced to single-family lots, resulting in a lower density.

Councilmember Baughman asked Mr. Lenhart if the property had been vacant for a long period of time. Mr. Lenhart answered yes.

Councilmember Baughman asked Mr. Lenhart if the existing curb cut was contemplated as an access? Mr. Lenhart said there was a plan submitted when Spring Valley Townhomes were first developed which showed the condominiums with the one curb cut on Patterson Road being a contemplated access. Mr. Lenhart said Springside Court actually stops at the townhomes.

Councilmember Terry appreciated the proposed reduction in density.

Councilmember Graham asked what is the dispositive affect of the approval on the two issues of: (1) the connection of what is presently labeled Pheasant Trail Court with Patterson; and (2) regarding the selection of a name for that? Mr. Wilson said the only issue tonight is the vacation of the sewer easement and vacation of the road. The other decisions under the Code have been made.

Councilmember Graham said Section 5-3-4-A-9 of the Zoning & Development Code reads: "All cul-de-sacs not planned for future connection to another street shall receive the designation 'court'". Inasmuch as this is a plan for a connection to another street, he wondered if this is an error? Ms. Portner believed Springside Court is already named. This will be a continuation of the existing Springside Court and will actually connect into the segment existing from 28 Road to where it currently ends. This will actually create the court at the end. The court does not go on and connect with yet another street.

City Attorney Wilson said the nature of vacation is discretionary. Council must make a legislative judgment. If Council were to make that legislative decision on a name change, this project could not go forward.

Mayor Afman asked Public Works Director Shanks to describe the capabilities of Patterson Road and can Patterson Road handle more traffic. Mr. Shanks said the traffic on Patterson is busy and the speeds are high during peak hours. It was built to carry large volumes of traffic. Currently Patterson Road, west of 28 1/4 Road and east of 12th Street, carries an average of 22,000 cars/day,

both directions. The actual capacity is an average of 30,000 cars/day.

Mr. Shanks said this section of Patterson Road was constructed ten years ago. With undeveloped property such as this, a driveway would likely have been negotiated with the right-of-way agent when it was acquired.

Councilmember Graham felt the confusion of the naming of streets is fairly minor compared to aesthetic or marketing purpose in the designer's intention to name it the way he did.

Upon motion by Councilmember Maupin, seconded by Councilmember Terry and carried by roll call vote with Councilmember **THEOBOLD** voting **NO**, Ordinances No. 2944 and 2950 were adopted on second reading and ordered published.

PUBLIC HEARING - REZONING CANYON VIEW SUBDIVISION, LOCATED AT SOUTH CAMP ROAD AND CANYON VIEW DRIVE, FROM RSF-4 TO PR-2 ORDINANCE NO. 2951 - AN ORDINANCE REZONING PROPERTY TO BE KNOWN AS CANYON VIEW SUBDIVISION, PORTION OF FILINGS 4, 5 AND 6, LOCATED IN TRACT 37, SECTION 35 T.11.S., R 101 W., WEST OF SOUTH CAMP ROAD FROM RSF-4 TO PR-2 [FILE #RZP-96-179]

Staff recommends approval of this rezone from RSF-4 to PR-2 to accommodate construction of planned phases 5 and 6 and a portion of phase 4 of Canyon View Subdivision. The zone change is consistent with the Growth Plan and the remainder of the Canyon View Subdivision to the east and northeast. The RSF-4 zoning on this property was zoned at the time of annexation to reflect approved densities of approximately 4 dwellings per acre on a County approved project.

A hearing was held after proper notice. Bill Nebeker, Community Development Department, reviewed this item. Canyon View is a subdivision off of South Camp Road, mostly north and west of Wingate School. A downzone is being proposed from RSF-4 to PR-2. When this area was annexed into the City, it was zoned RSF-4 to reflect a prior County approval called "La Casa Vista" which was approximately PR-4.5. The applicant wishes to downzone to PR-2 to be consistent with the rest of the Canyon View Subdivision. RSF-2 or PR-2 surrounds most of this property, there is some County PR-4.5 to the south. The Planning Commission found the proposed rezone meets the criteria established in Section 4-4-4 of the

Grand Junction Zoning & Development Code, and Staff recommends adoption of this ordinance changing the zoning.

The petitioner was not present. There were no public comments. Councilmember Theobold asked about the size of most of the lots. Mr. Nebeker said they are .4 acres, the adjacent lots are 2.5 acres. The size is to accommodate the Colorado National Monument.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Terry, seconded by Councilmember Baughman and carried by roll call vote, Ordinance No. 2951 was adopted on second reading and ordered published.

PUBLIC HEARING - REZONING HORIZON VILLAGE, LOCATED AT THE SOUTHEAST CORNER OF 7TH STREET AND HORIZON DRIVE, FROM PR-6.15 TO PR-7.4 AND RSF-4 AND A REQUEST FOR A VARIANCE TO STREET STANDARDS - ORDINANCE NO. 2952 REZONING LAND LOCATED AT 7TH STREET AND HORIZON DRIVE FROM PR-6.15 TO PR-7.4 AND RSF-4 [FILE #RZP-96-157]

A request to (1) rezone the property at the southeast corner of 7th Street and Horizon Drive from PR-6.15 to PR-7.4 and RSF-4; and (2) a request for a variance to the street standards to permit a private street. The petitioner received preliminary plan approval for 68 residential units on the subject parcel at the September 3, 1996, Planning Commission hearing. Staff recommends approval of the application.

A hearing was held after proper notice. This item was reviewed by Kathy Portner, Community Development Department. The property is located on the corner of 7th Street and Horizon Drive. The proposal was before Council previously with an outline development plan and proposed zone. The plan has been changed and they are proposing a new preliminary plan which has a single access point off of 7th Street, a cul-de-sac going into the development, for 68 units on approximately 9.2 acres. The original proposal also provided for some large lot single home properties along the Mahleres property to the south. At this point, the plan shows that property to remain as one single parcel with the single family remaining, rezoning it back to RSF-4, and not including it within the planned development. That is the main reason for the increase in density, the loss of that acreage to the overall plan. They are decreasing the original density from 72 units to 68 units. The 68 units are contained within 17 four-plex buildings. The petitioner is requesting the proposed street be a private

street. It would be built to City standards, but the developer would like the option of gating the street. Given the location, the inability for the street to ever go through, and the unlikely need for any other types of pedestrian connections, Staff would support the request for a gated street in this location. The details on how the gate would be located and function would have to be supplied with the final plan. Staff finds the rezone request meets the criteria set out in Section 4-4-4 of the Zoning & Development Code. The density is in compliance with the newly adopted Growth Plan. Staff recommends approval of the rezone request and preliminary plan with the following conditions:

1. Petitioner shall submit a revised traffic study with the final plan and plat request which addresses the remaining concerns identified by the City Development Engineer;
2. Petitioner enter into a maintenance agreement with the homeowners association and the City being a party to it for the private street, similar to the other gated community on North 12th Street; the agreement would be with the homeowners association with the City being a party to it, so that certain maintenance standards are upheld with the ability to actually obtain the money for the improvements. If the maintenance was not kept up, the City could perform maintenance and assess the property owners.

Councilmember Maupin asked about the easement for the canal. Ms. Portner said it is unclear whether the petitioner has ownership to be able to deed anything along the main canal to the City. They are proposing private open space along the ditch with walking trails.

Councilmember Baughman asked how trash removal would be conducted with a gated street. Ms. Portner said there would need to be an arrangement with the City to allow the City's trash trucks to have access to go on the private street. Access would be for emergency services as well. Councilmember Baughman understood City trash trucks could not enter upon private streets and lands. City Attorney Wilson said they can with consent and if the street is constructed properly to accommodate the weight of the trucks.

Mayor Afman asked what method was used with the other gated community? The gate remains open during the day for such accessibility of service trucks. Closure takes place after normal business hours. Such details would have to be resolved prior to the final plat and approval. If this proposal is approved by City

Council, Planning Commission would have the final approval of the design.

Councilmember Graham noted Mr. Dennis Wiss's (Walker Field Airport) recommendation that because of the proximity of this development to runway 422, additional soundproofing insulation and planned landscape features be designed into each resident site to help mitigate the potential sound level perceptions. He wondered if Council should be considering this as an additional condition for approval. Ms. Portner said Council has that option. Staff has not incorporated that into prior approval. Councilmember Graham asked if it would be more appropriate to address that at a later time? City Attorney Wilson said yes.

Councilmember Graham questioned reconciling the geological survey regarding groundwater? Ms. Portner said the petitioner needs to address the concerns of the State Geological Survey upon the submission of the final plan and plat. City Attorney Wilson said follow-up is something Staff would normally address.

Councilmember Terry assumed the drainage district comments would be resolved. Ms. Portner said typically it would be resolved with the final drainage report and plans.

Councilmember Theobald noted there are no comments regarding trails from any of the review agencies. Ms. Portner said packets are provided to the Parks Department for comment on trail linkages. The Community Development Department also brings up such issues when it is apparent there is an issue. It appears a small portion of the property might include the canal, but not the entire length.

Matt Cunningham, Cunningham Investments, representing the petitioners Nick and Helen Mahleres, discussed canal access. The property lines along the main line canal were never defined in the history of the City. At the request of the ditch company, they set the property line back 25 feet from the edge of the bank. The ditch company is extremely insistent about sole control of 25 feet between the edge of the water and a property line. Mr. Cunningham supports trail systems, but the ditch company's attitude puts the petitioner in the position where they are not going to advocate anything. They have been told they have no right to access within 25 feet of the edge of the waterline and they have respected that. It makes it difficult for all developments to provide access. Mr. Cunningham clarified the

title on this property, as has been found on every property dating from the original land grants in the late 1800's, clearly stipulated that the property line will be established at some time in the future by virtue of a survey. When LanDesign surveyors went out, they followed the 25 foot line. City Attorney Wilson asked if it is possible to accommodate on the land an easement along the outside boundary that parallels the ditch, but satisfies the ditch company's concerns? Mr. Cunningham said every tree would have to be cut down because the fence line is a tree line. Mr. Wilson asked if there is any alternative within the tree line closer to the interior of the property that has been considered? Mr. Cunningham said with the setback of the buildings, he did not think it would be possible.

Mr. Cunningham said this a request for a technical rezoning on the property. He distributed photos of the area. The purpose of the design is to create a single-family feeling. There are no two common entrances so it is nothing like an apartment. All the cars will be off the street. The proximity of St. Mary's Hospital is another reason for making the street private. The purpose of the gate is if in the future the homeowners association wants to maintain some degree of security for the inhabitants, they have that capability. All the streets are to City standards. A deceleration is planned on North 7th Street from Patterson Road. The size and nature of the units is designed toward maintaining a community feel. The development will use irrigation water for the landscaping. They have worked with the emergency services entities, and they will not compromise safety or health standards in any way. Outsiders coming into the Grand Junction area are security conscious and are looking for secure complexes.

Mayor Afman asked if there will be a walkway connecting this area to the Westwood development up towards and through Horizon Drive? Mr. Cunningham said they would like to link with it. There is now a headgate bridge that goes across the Ranchman's Ditch, and hope to be able to link it together. They are working on a soil analysis and moving soil into the area to upgrade and improve the soil along Horizon Drive for greenbelt purposes.

Councilmember Maupin asked again about acquiring ownership of ditch property for trail purposes. Mr. Cunningham said he will work with Attorney Joe Coleman regarding a trail along the canal. Councilmember Graham asked if the petitioner could purport to quit claim an interest in giving an easement as though the central line was used for purposes of determining the property boundary? Mr.

Cunningham said he would be happy to do that, if, in fact, they do own the property.

Councilmember Theobold questioned the plat and size of the setbacks? Mr. Cunningham said the plat is as tight as it can be to do a first quality building on the property. He will continue to work with City Staff regarding Council's concerns.

Councilmember Baughman asked how the no on-street parking would be enforced? Mr. Cunningham said it would be part of the covenants of the condominium association. Every unit has a garage and sufficient room to get all the cars off the streets.

Councilmember Terry thanked Mr. Cunningham for a plan that will be amenable to the Growth Plan in terms of aesthetics and quality of life. Mr. Cunningham said they have spaced approximately 36 trees every 25 feet all the way up the road on both sides. He thanked Councilmember Terry for her comment.

There were no other public comments. The hearing was closed.

It was moved by Councilmember Terry and seconded by Councilmember Maupin that Ordinance No. 2952 be adopted on second reading and ordered published, and a variance to street standards to permit a private street be approved with the conditions regarding the standards of the gated community that will be implemented with the final plan, and also a maintenance agreement with the homeowners association and the City that will meet all of the City's requirements, and that there be a quit-claim to the City from the property line to the center of the canal, and that there be an affirmative non-exclusive easement from the property line to the west bank, and the petitioner shall submit a revised traffic study with the final plan and plat request which addresses the remaining concerns identified by the City Development Engineer.

Councilmember Theobold suggested adding "there be a twelve foot trail easement inside the property line which does not count against the setbacks and can work around or inside the trees, as necessary." Councilmember Terry did not accept the addition.

It was moved by Councilmember Theobold to amend the motion by adding his previously suggested condition. It is not likely that the City will want to litigate on the quit-claim deed, but it is being done as a fallback position. He felt to approve something next to where Council wants a trail, without actually assuring

there will be a trail, if the first two conditions are not achieved, is counter-productive. If the City cannot achieve a trail through the first method, then the City would be the one to build the trail under the second. The motion died for lack of a second.

Councilmember Maupin said he could not second the motion because it defeats the purpose of this particular community. He felt trails are very important, but to have them in the backyard of a condominium owner is a problem.

Councilmember Theobold said he thinks it is a great plan and an asset. The design of the buildings is great, but he is committed to the canal issue. All the other positive aspects of the development without the assurance of a trail, he could not support.

Roll was called on the original motion with the following result:

AYE: TERRY, BAUGHMAN, GRAHAM, MAUPIN, AFMAN
NO: THEOBOLD.

The motion carried.

PUBLIC HEARING - ZONING THE FLORAL ANNEXATION TO RSF-4 - ORDINANCE NO. 2953 ZONING FLORAL ANNEXATION RSF-4

[FILE #ANX-96-163]

Staff recommends RSF-4 zoning for the Floral Annexation which is the most equivalent City zone to the current R2 Mesa County zone.

A hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department. Council recently annexed the Floral Annexation. The previous County zoning was R-2. The City's RSF-4 zone is the most equivalent. Staff and Planning Commission recommend approval of the rezone. Mr. Thornton said the criteria listed in Section 4-4-4 of the Zoning & Development Code has been met.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Baughman, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2953 was adopted on second reading and ordered published.

RECESS

Mayor Afman declared a five-minute recess at 11:01 p.m. At this time Councilmember Theobold excused himself from the meeting as members of his wife's family have an interest in the next agenda item. Upon reconvening, five members of Council were present.

PUBLIC HEARING - HETZEL ANNEXATION/ZONING THE HETZEL ANNEXATION AND REZONING OF THE FORAKER PARCEL ADJACENT TO THE WEST, BOTH PARCELS A PART OF THE PROPOSED FALL VALLEY SUBDIVISION, TO PR-3.5 - APPEAL UPHELD - ANNEXATION ORDINANCE AND ZONING ORDINANCE CONTINUED TO DECEMBER 18, 1996, CITY COUNCIL MEETING

[FILE #ANX-96-58 AND #RZP-96-177]

The petitioner, John Davis, is requesting a rezone and initial zoning on approximately 38 acres south of F 1/2 Road and east of 25 1/2 Road (Fall Valley Subdivision) with a proposed density of PR-3.5. Part of the property (property owner Kenneth M. Hetzel and ETAL) is in the process of being annexed to the City as part of the Hetzel Annexation. An appeal has been filed on the Planning Commission's approval of the preliminary plan.

A hearing was held after proper notice. This item was reviewed by Bill Nebeker, Community Development Department. Council will be making decisions on the following items:

- a. Ordinance No. 2954 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado - Hetzel Annexation, Approximately 29 Acres, Located at the Southeast Corner of 25 1/2 Road and F 1/2 Road
- b. Appeal of Planning Commission Approval of a Preliminary Plan
- c. Ordinance No. 2955 - An Ordinance Zoning the Hetzel Annexation and a Parcel of Land Directly to the West (Foraker Property #2945-034-00-050) PR-3.5

This item was heard previously by City Council at which time the developer requested a preliminary plan and rezone for approximately a 7.6 units per acre density. It was denied by Planning Commission and appealed, and subsequently denied by City Council. At that time the applicant was directed to redesign the site with a density of about 3.8. They are proposing 3.5. The property is located at the southeast corner of F 1/2 and 25 1/2 Roads. The Planning Commission found the rezone complies with

Section 4-4-4 of the Zoning & Development Code. The neighborhood has appealed the preliminary plan approval by the Planning Commission. On September 10, 1996, the Planning Commission approved the preliminary plan for 134 single family homes on 34 acres with the following two conditions:

1. Half-street improvements for 25 1/2 Road, the full length of the property, be completed with Filing #2. With Filing #1 approximately 150 feet is being improved (where it meets Phase #4, just past the intersection, enough to get them into the subdivision). At the time of Phase #2, the entire 25 1/2 Road up to F 1/2 Road would have to be completed with half-street improvements;
2. The petitioner is to detail amenities to be put in the parks during the final plat approval.

Lot sizes vary in Fall Valley from approximately 5700 square feet (approximately 1/7 acre) to approximately 9000 square feet (approximately 1/4 acre). The larger parcels are to the east, with the smaller parcels being to the west adjacent to Foresight Industrial Park.

Mayor Afman asked what some of the general ideas might be for the amenities for the proposed open space? Mr. Nebeker said the final plat for the first phase is being reviewed at this time. Probably only the park in the middle would have some amenities.

Mr. Ward Scott, 253 West Fallen Rock Road, representing the petitioner John Davis, answered questions of Councilmember Terry by saying all of the original Staff comments were addressed. The second plan was replatted to meet Staff's comments. He pointed out the change in density to less than half of the previously submitted planned density. It is now at 3.5. All of the patio or zero-lot townhomes, duplexes and four-plexes shown in the first plan have been eliminated. Everything now is single family detached. The landscaping has been done on the southwest corner. The landscaping or amenities planned in the middle park will be done as part of the final plan. A comment on the plat is the City would like to talk with the developer about acquiring it as an adjunct City park. Mr. Scott said he is willing to have those discussions.

Mr. Scott said the plan is consistent with the new urban growth plan. The plan allows a considerable increase in open space

(70%). He thinks the design is very appropriate. It was approved by the Planning Commission and meets the new urban plan zoning requirements. Most importantly, they have gone back and done what Council asked them to do. They have agreed to the Planning Commission's requirement for half-street improvements on 25 1/2 Road to F 1/2 Road with the filing requirements of Phase #2. Mr. Scott attempted to talk to three of the adjoining property owners, but unfortunately their schedules did not allow such discussions. One of the neighbors opposed the density.

Mayor Afman asked if the redesign addresses the trails to connect all of the parks? Mr. Scott said they do not. The only requirement was to bring a trail off of F 1/2 Road for pedestrian access, and they could use the sidewalks for access to the park.

Councilmember Maupin asked Mr. Scott to address school impact. Mr. Scott said Pomona Elementary School is at capacity now. The School District has estimated this subdivision, when fully developed, will add 35 to their enrollment. Based on the School District's numbers quoted in their comments to the plan, it would put them slightly over capacity. The estimate by the District for West Middle School is 17 students, and 21 students for Grand Junction High School. He cannot solve the capacity problem, although school impact fees will be paid for all the buildings erected in this subdivision.

Those speaking in favor of the proposal were as follows:

Kenneth Hetzel, 514 Riverview Drive, Redlands, owner of the property since 1931, said he quit farming the land in 1958. He has been renting the property and it has become progressively difficult to rent because of the surrounding power lines which make it impossible to spray crops anymore. He felt the location is perfect for affordable housing in the area. It needs to be developed. Mr. Hetzel said there is no other use he can put on this land other than agricultural use.

Councilmember Baughman said there has been an effort to increase property taxes to reflect the highest and best use of the property. Surrounding developments are impacting Mr. Hetzel's property.

Mr. Hetzel said selling the property will provide for his retirement.

Those speaking in opposition to the proposal were as follows:

Ms. Connie Kelley, 629 Fletcher Lane, said she felt Council is trying to create a balance between growth and quality of life. She too comes from an agricultural ranching background and understood clearly what Mr. Hetzel was going through. She said two offers have been made on Mr. Hetzel's property. He wanted an exchange and was not willing to negotiate. She understands he needs a return on his investment and hard work. As neighbors of the area, she was not asking for no growth, but asking for responsible growth and choices. Ms. Kelley had three strong issues regarding this proposal:

1. The school issue has not been addressed. District #51 came to Council and voiced its concerns. She felt the impact on the schools must be addressed, and she questioned the numbers given by the petitioner tonight.

2. If the developer waits for Phase #2 to finish improvements to 25 1/2 Road, and no adequate improvements to F 1/2 Road, it will cause major problems. She lives in the neighborhood and sees future problems.

3. Ms. Kelley purposely went to other projects completed by this developer. For her community and neighborhood, it is one of the biggest concerns. She was concerned about the reputation of this developer. She felt a lot of issues have not been addressed about quality and vision. She was concerned with quality work.

She encouraged Council to look closely at this proposal.

Mr. Allan Workman, 2985 F 1/2 Road, said he recently purchased his home in this area because of the peace and tranquillity of the neighborhood. He was concerned with growth and density, schools and traffic. He said that because neighboring Spring Valley has a density of 4 units/acre and this proposal is 3.5 units/acre does not make it right. He was concerned with Mr. Davis and his manipulation in trying to get subdivisions through. Mr. Davis's last two proposals were denied. He could support 2 to 2 1/2 units/acre only.

Mr. Gene Taylor, 633 Fletcher Lane, was concerned with the following:

1. The density was a concern. He did not like living five or ten feet from a neighbor. He felt there should be more walking space;

2. The buffer zone on the east side of the property was a concern. The 900 feet on the east side of the property belongs to him and his wife. It was discussed at the last meeting on this item that there was no need for a buffer zone because there were a lot of trees along the east side. Those trees are on Mr. Taylor's property. He felt the developer should take care of his own problems;

3. When surveying from the west to the east in the Grand Valley, a different survey point is determined than when surveying from the east to the west. QED surveyed his property and found his property line 12 feet to the west of an established fence line on the 900 feet. Mr. Taylor discussed this with Mr. Hetzel who said it was surveyed from the west to the east on his property, and the fence line is there. It is 12 feet on Mr. Taylor's property. Mr. Taylor's property goes 12 feet on Mr. Hetzel's property. There is a 12 foot difference in the property and Mr. Taylor wanted to make sure the builders and new owners of the property know which line will be used. The 12 feet might make a big difference in the homes.

4. Mr. Taylor made offers a few years ago for trades on the property for income for Mr. Hetzel. The offers were not satisfactory to Mr. Hetzel;

5. Mr. Taylor was concerned with the schools, heavy density, easy access and egress for vehicles.

Councilmember Baughman asked Mr. Taylor why he and his neighbors did not object to the other high density subdivisions in the area when they were proposed? Mr. Taylor did not attend any of the meetings on those subdivisions.

Mr. Steve Kelley, 629 Fletcher Lane, felt there is an attitude of getting by with the least amount of requirements. Another petitioner appeared tonight with the attitude of adding a community attribute. The area in question is a nice part of town. He asked if Council is going to approve the proposal with the least amount required, or is it going to require the developer to provide the greenbelts, trees, parking considerations, etc. He

felt 1/7 acre group of homes is not a community attribute. He was more concerned about the quality of the proposed homes.

Ms. Robin Madison, 2586 Galley Lane, said she was not notified of the surrounding subdivisions. She would have attended had she been notified. She asked for clarification on the number of units proposed, 135 units or 137 units? She was concerned with traffic and safety with Pomona School on 25 1/2 Road and students going to school, and people from this subdivision turning left or right across Patterson. This is the sixth subdivision in the area and each can create 20 or 30 students which will greatly impact Pomona Elementary School. She could not see this proposal as a benefit to the neighborhood. Ms. Madison said, at this location, she would like to see more open space and trail connection, another park or soccer field. If there must be a subdivision, she would like to see larger lot sizes.

Mr. Chris Clark, 615 Meander Drive, said Fall Valley, as proposed, offers nothing to the current neighborhood. He said it takes away the peace and quiet, safety, sanctuary, views, clean air, and decreases property values. He noted that everyone that has spoken at the earlier Planning Commission and City Council meetings, and this evening those favoring the proposal are directly involved in the financial gains of the development. Scores of neighbors have voiced their opposition, asking for a development which makes everyone proud, and allows the maintenance of a life style that the entire community is striving for. Mr. Clark discussed school impact fees. He felt there is no way an impact fee for a subdivision such as this one can address the impact on Pomona School. He felt it is clear the developer has been turned down many times for the same subdivisions over and over, and when given an inch the developer will take a mile, as opposed to an organized developer who prepares a project that is satisfactory to all.

Mayor Afman asked Mr. Clark what he would like to see in this location? Mr. Clark said the land can still be subdivided by reducing densities and making it livable. Restrictions can be placed on access, view restrictions, off-street parking, more open space incorporated into a plan. He requested Council require some features of the developer that reduce the number of units, address views, traffic, etc.

Mayor Afman said Council listened to the neighbors during the planning process the last time this item was before Council. The

developer took Council's suggestion on what the neighborhood would approve and like to see. She appreciated Mr. Clark's comments.

Mr. Ward Scott said there may be some disagreement on the 12 foot lot line. He will talk to Mr. Taylor and it will be resolved. Regarding traffic, he reiterated the traffic study said 25 1/2 Road literally improves the flow on F 1/2 Road and 1st Street by allowing the traffic from the north to go onto Patterson. Mr. Davis has not built houses for a number of years. He only develops land and sells lots. He has been selling the lots to Bill Fitzgerald, a successful builder in the valley. Mr. Fitzgerald builds all different quality of homes. This development will not consist of \$70,000 units. He could not give a projected price on the buildings as he only sells the lots. The value of homes in some of the adjoining subdivisions is \$110,000 to \$120,000. Mr. Scott said growth does not come from planning and building subdivisions. It comes because people are wanting to come to Grand Junction for all the reasons recognized this evening. He was sorry the neighbors are upset about this development, but he thinks this is a reasonable compromise.

Mr. Scott said many people said at the previous hearings they did not want four-plexes and duplexes in their backyard, and clarified that is why the plan was changed to single family units. The developer does not build the houses and does not financially participate in the construction. The covenants are going to require an architectural control committee. The current covenants do not give a minimum square footage because what is built on the smaller lots on the western side is going to be considerably different from what will be built on the larger lots.

There were no other public comments. The hearing was closed.

Councilmember Graham referred to page V-19 of the Master Plan concerning policies 4.1 and 4.5. Policy 4.1 reads: "The City and County will limit urban development in the joint planning area in locations within the urbanizing area with adequate public facilities as defined in the City and County codes." Councilmember Graham asked if the Fall Valley Subdivision plan meets the standard for existing City codes, notwithstanding the issue of overcrowding schools? City Attorney Wilson said yes. The current Code does not address concurrency. Councilmember Graham continued concerning Policy 4.5, the first sentence reads: "The City and County will require adequate public services facilities to be in place, or assured, so they will be in place

concurrently with urban development and the joint planning area." The second sentence reads: "The City and County will adopt consistent urban level of service and concurrency standards for the following services: water, wastewater, streets, fire stations, schools and stormwater management." Councilmember Graham read the second sentence as meaning the means for achieving the first sentence. City Attorney Wilson agreed. Councilmember Graham asked if Council can use Policies 4.1 and 4.5, given the current status of the City Code, to mean until and unless the issue of school overcrowding is addressed with respect to any given subdivision, that the City Council must deny the subdivision on that basis? City Attorney Wilson said no. He would be uncomfortable advising Council of such. There is no data to support that.

Councilmember Maupin disagreed. The reason the citizens spent two years on the Growth Plan and Council adopted the plan earlier this evening was because Council wants to adopt the goals and policies. Policy 4.5 says this is going to be a policy. City Attorney Wilson said this sets the stage. There are in every community existing deficiencies in terms of infrastructure. Councilmember Maupin felt Council should refrain from doing any rezones that increase any densities impacting schools. He supported the previous proposals because they were downzonings.

Mayor Afman noted Mr. Grasso, School District #51, said the school district facilities could handle 25% to 30% more students if a year-round schedule was instituted. The School District is looking for other ways to solve the overcrowding other than school bonds.

Councilmember Maupin believed the location is a good location for more affordable housing. He did not feel the plan is consistent with what needs to be accomplished in this corridor. He could not support any more zoning changes that affect the schools. There is not enough open space in this plan, and no reason to crowd so many houses into a small section of land. He urged Council to deny the request for rezone.

Councilmember Terry said she was hoping to see a different plan than what has been presented tonight. She quoted from the Code that cites the general purpose of planned developments. "In order that public health, safety, integrity and general welfare may be furthered in an era of increasing urbanization and growing demand for housing of all types and design. The Planned Development

Zones are established to provide for project variety and diversity through the modification of conventional zoning as set forth in Chapter 4 so that maximum long range neighborhood and community benefits can be gained." It lists a variety of other purposes that could be met. She felt it was incumbent upon Council to determine if this plan meets the Code in terms of a planned development and the purposes outlined by the Code. In her opinion, the plan does not meet the aesthetics, open space, and does not benefit the neighborhood and community. She had no problem with the density, but could not support the plan.

Councilmember Baughman agreed with much of Councilmember Terry's statements. The problem is the number of dwelling units. He would like to see a plan that involved multi family as well as single family to get 3.5 units/acre. He would like to see Mr. Hetzel be able to sell this property. The plan is divisive to the neighbors, and Councilmember Baughman could not approve the plan.

Councilmember Graham felt a reasonable compromise has been reached on the density. He believed Council has neither the prerogative nor the mandate to hold up any given development based upon the effect of school crowding. He would like to see the overcrowding issue addressed in a general and perspective way across the board, even for everyone, in the form of a proposed moratorium, whether it be a moratorium for any increase in density rezoning or whether it's a simple moratorium for approving any improvement which results in greater taxing of the school. He felt there is abundant evidence that this project does not fit in with the rest of the community.

Mayor Afman felt Council is in agreement that the density is workable. It will be difficult in the next few years to play catch up with the school needs. It will be difficult to play catch up with housing needs no matter what development is considered. She stated Council has listened to the neighborhood on previous occasions and is open to the citizens of this community. The area of design is of utmost importance. She had no problem with the developer and his ability. She was comfortable with the zoning, although the overall design is not acceptable.

It was moved by Councilmember Terry and seconded by Councilmember Maupin that the appeal of the Planning Commission approval of the preliminary plan be granted, and the plan be denied.

Councilmember Terry said if Council does not approve the plan and grants the appeal, then the annexation and zoning items are moot. City Attorney Wilson agreed. He explained the petitioner is here pursuant to an annexation agreement that says they will be annexed, but only if they obtain preliminary plan approval for the project, and they have the right to have final plan approval for Phase #1. It is appropriate that the annexation and zoning not be completed until there is a plan both for the petitioner's purposes and the City's. It is also for Mr. Foraker's purposes as well as Mr. Hetzel's.

Roll was called on the motion with the following result:

AYE: MAUPIN, TERRY, BAUGHMAN, GRAHAM, AFMAN
NO: NONE.

The motion carried.

Upon motion by Councilmember Terry, seconded by Councilmember Graham and carried by roll call vote with Councilmember **MAUPIN** voting **NO**, the annexation Ordinance No. 2954 and the zoning Ordinance No. 2955 were continued to the December 18, 1996, City Council Meeting.

A member of the audience asked for clarification of Council's decision. Mayor Afman explained Council did not approve the preliminary plan. Council approved the appeal that was brought to Council by the neighborhood. The plan submitted tonight was not agreeable to Council. Parts a. and c., which is the annexation and zoning of the item were continued to December 18, 1996.

ADJOURNMENT

Upon motion by Councilmember Maupin, seconded by Councilmember Terry and carried, the meeting was adjourned on Thursday, 12:52 a.m. _

Stephanie Nye, CMC/AEE
City Clerk

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